

EXHIBIT 1

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

JOHN DOE #1, an individual; JOHN
DOE #2, an individual; and PROTECT
MARRIAGE WASHINGTON,

Plaintiffs,

v.

SAM REED, in his official capacity
as Secretary of State of Washington;
BRENDA GALARZA, in her official
capacity as Public Records Officer
for the Secretary of State of
Washington,

Defendants.

No. 09-CV-05456-BHS

Deposition Upon Oral Examination
Of
REDACTED

Taken by: Tracey L. Juran, CCR
CCR No. 2699

September 23, 2010
Seattle, Washington

1 A. I would say 150.

2 Q. And do you recall Pastor REDACTED having a bullhorn or
3 megaphone with him?

4 A. Yes.

5 Q. And do you recall what time of day this was?

6 A. I believe it was 10:00 in the morning, 10:00 a.m.

7 Q. Were any of the students or teachers that were
8 participating in the Day of Silence outside the school
9 while the church was there?

10 A. I don't know. I would not be able to identify those
11 people. We purposely made it later in the morning so
12 that all the children would be already in the school and
13 school would be underway so we wouldn't interfere with
14 their coming and going.

15 Q. Was there any visible group outside the school that was
16 in support of the Day of Silence, whether it was
17 teachers, parents, community members, anyone?

18 A. Oh, yes.

19 Q. And what were they doing?

20 A. Talking, visiting.

21 Q. And do you remember approximately how many people there
22 were on that side of the issue?

23 A. In support of the Day of Silence?

24 Q. Yes.

25 A. Oh, my goodness. I would say an equal number, a hundred

1 to 150.

2 Q. And did things remain respectful on both sides of that
3 issue during the time that both groups were there for
4 and against the Day of Silence?

5 A. I would say no.

6 Q. What did you hear or see?

7 A. Shouting. Pastor REDACTED will be bringing in a
8 photograph this afternoon that I found of one person
9 holding a sign up to his head that said, "Throw Rocks
10 Here." He'll have -- it was published in REDACTED
11 REDACTED -- I think it was REDACTED -- and he'll
12 be bringing that with him this afternoon.

13 Q. Did anyone throw rocks?

14 A. No.

15 Q. Did anyone throw anything?

16 A. No.

17 Q. Do you remember what was shouted?

18 A. Gosh. It was unintelligible, really. I can't tell you.

19 Q. Was there any physical violence between the two groups?

20 A. No.

21 Q. Was anybody with the church shouting back at this group?

22 A. No.

23 Q. Was anyone from the church holding a sign?

24 A. I didn't see any signs from our group. I did not see
25 any signs.

1 MR. PIDGEON: Okay.

2 MS. EGELER: Waiting for the next in the series.

3 MR. PIDGEON: Okay.

4 Q. (by Mr. Pidgeon) So when you signed the petition -- at
5 the time you signed the petition, it's safe to say that
6 you had no knowledge about the disclosure process of
7 names and addresses through the Secretary of State's
8 Office; is that true?

9 A. That's true.

10 Q. Did you know at the time you signed the petition that
11 the Secretary of State would amass names and addresses
12 of all the petition signers onto a single file and
13 disclose it to whoever asked?

14 MS. EGELER: Objection; leading.

15 A. I did not know.

16 Q. (by Mr. Pidgeon) Would you have signed the petition if
17 you had known that your name was going to be grouped
18 with all the other signers and given to look, for lack
19 of a better term, militant homosexual groups that wanted
20 to use your name for purposes of inconvenient
21 conversations --

22 MS. EGELER: Objection --

23 Q. (by Mr. Pidgeon) -- when you signed the petition?

24 MS. EGELER: Objection; assumes facts not --

25 A. Yes.

1 MS. EGELER: -- in evidence.

2 Q. (by Mr. Pidgeon) You would have signed?

3 A. I would have signed.

4 Q. Even if you'd known that that was going to be the case.

5 A. Yes.

6 Q. Were you aware of the organization whosigned.org at the
7 time you signed the petition?

8 A. No.

9 Q. Were you aware of Know Thy Neighbor at the time you
10 signed the petition?

11 A. No.

12 Q. Were you aware of the level of violence that had been
13 perpetrated in California surrounding Proposition 8 at
14 the time you signed the petition?

15 MS. EGELER: Object to the characterization.

16 A. I heard stories.

17 Q. (by Mr. Pidgeon) You've heard stories about
18 Proposition 8?

19 A. Yes.

20 Q. Can you tell us some of the stories that you heard about
21 Proposition 8.

22 A. That people had experienced violence, retaliation. I
23 don't know specifics of the retaliation.

24 Q. Did you know whether or not Christians were experiencing
25 retaliation?

CERTIFICATE

STATE OF WASHINGTON)

)

COUNTY OF SNOHOMISH)

I, the undersigned Notary Public in and for the
State of Washington, do hereby certify:

That the foregoing is a full, true, and correct
transcript of the testimony of the witness named herein,
including all objections, motions, and exceptions;

That the witness before examination was by me duly
sworn to testify truthfully and that the transcript was made
available to the witness for reading and signing upon
completion of transcription, unless indicated herein that the
witness waived signature;

That I am not a relative or employee of any party
to this action or of any attorney or counsel for said action
and that I am not financially interested in the said action
or the outcome thereof;

That I am sealing the original of this transcript
and promptly delivering the same to the ordering attorney.

IN WITNESS WHEREOF, I have hereunto set my hand and
seal this 3rd day of October, 2010.

Notary Public in and for the State of Washington
residing at Edmonds, Washington.

(Notary expires 3/09/13)

(CCR No. 2699)

EXHIBIT 2

UNITED STATES DISTRICT COURT
FOR THE
WESTERN DISTRICT OF WASHINGTON

JOHN DOE #1, et al.,
Plaintiffs,
vs. NO. 09-cv-05456-BHS
SAM REED, et al.,
Defendants.

DEPOSITION UPON ORAL EXAMINATION OF REDACTED

September 13, 2010
Vancouver, Washington

DIXIE CATTELL & ASSOCIATES
COURT REPORTERS & VIDEOCONFERENCING
(360) 352-2506 ** (800) 888-9714

EGELER(REDACTED ,9/13/10)

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1 Q Who is REDACTED ?

2 A He is one of my good friends.

3 Q Is he associated with the church?

4 A He's not, but he worked with me for the R71.

5 Q You said there was one more incident. Let's talk about
6 that.

7 A The incident was at the church.

8 Q What happened?

9 A When I was outside with my table, just people were standing
10 up signing petitions.

11 Q Was this on a Sunday?

12 A This was a Sunday afternoon.

13 Q Do you remember what month?

14 A I don't. In those three months, somewhere down in that
15 category.

16 Q May, June, or July?

17 A Yeah. I just don't remember because there was so many
18 events that we did in those three months, so I don't
19 remember which one was which.

20 Q Okay.

21 A And it was about three of us at the table. REDACTED was
22 there. And we -- we were doing the -- the African-American
23 lady approached us. She was very upset. And she said that,
24 you know, we'll do everything to stop what you're doing.
25 You guys don't care about families. You guys don't care

EGELER(REDACTED 9/13/10)

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1 about love or -- you know, amongst couples or whatever.

2 We tried everything to -- not to make her even more
3 upset, as in saying, you know, that's fine. Your opinion
4 is -- you know, in support you have the right to do whatever
5 you like.

6 She did actually -- you know, you can see she was very
7 upset in the way she approached us. After she did -- her
8 friend or her boyfriend or whoever it was that pulled in
9 afterwards, he came out of the car. He got very upset with
10 us saying that, you're making my girl mad. You know, I'll
11 bust your cap. I don't know what that's supposed to mean.

12 You know, everybody deserves the right to live, you know,
13 these kind of terms, you know. Nothing towards us
14 specifically, but just saying that one day we'll have your
15 kids.

16 Q I don't understand.

17 A Like I guess from the people that were in opposition of R71,
18 they were -- because a lot of -- one of the sayings that we
19 used in R71 was, you know, safe families, safe kids or
20 whatever. Basically one of the things that she spoke
21 against is, you know, we'll have your kids, as in like, you
22 know, we get this law through and your kids will be -- you
23 will be living the life of the same sex marriage or
24 whatever. Again, we didn't -- I understood what she meant,
25 but it's -- that's just kind of verbally threats here and

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1 there. Nothing very physical, just very mad.

2 Q Anything physical at all?

3 A Nothing very physical.

4 Q So nothing physical?

5 A Nothing physical.

6 Q And nothing physical from the person --

7 A No, just verbally. I guess she called him and told him we
8 were there. He pulled in.

9 Q He was just verbal, not physical?

10 A Just verbal, cussing, nothing physical.

11 Q Did you call the police?

12 A No.

13 Q Why not?

14 A Because we understand people are mad and I -- honestly I
15 didn't see a point because everybody has the right to their
16 own opinion. Everybody has the right to speak out whatever
17 they think is right. And if that's the way they understood
18 it, that's totally fine with me, because, you know, I'm
19 standing on what I think is right, so it gives them the
20 right to do the same thing.

21 Q I understand.

22 A That's why I didn't push on calling the police because
23 that's the opinion that I have about other people's opinion.

24 Q And you said REDACTED saw all of this incident as well?

25 A REDACTED was there.

C E R T I F I C A T E

I, REBECCA S. LINDAUER, a duly authorized Notary Public in and for the State of Washington, residing at Lacey, do hereby certify:

That the foregoing deposition of REDACTED was taken before me and completed on the 13th day of September, 2010, and thereafter transcribed by me by means of computer-aided transcription; that the deposition is a full, true, and complete transcript of the testimony of said witness;

That the witness, before examination, was by me duly sworn to testify the truth, the whole truth, and nothing but the truth, and that the witness waived signature;

That I am not a relative, employee, attorney, or counsel of any party to this action or relative or employee of any such attorney or counsel, and I am not financially interested in the said action or the outcome thereof;

That I am herewith securely sealing the deposition of REDACTED REDACTED and promptly mailing the same to MS. ANNE E. EGELER.

IN WITNESS HEREOF, I have hereunto set my hand and affixed my official seal of this 14th day of September, 2010.

Rebecca S. Lindauer, CSR#2402

Notary Public in and for the State of
Washington, residing at Lacey.

EXHIBIT 3

UNITED STATES DISTRICT COURT
FOR THE
WESTERN DISTRICT OF WASHINGTON

JOHN DOE #1, et al.,
Plaintiffs,
vs. NO. 09-cv-05456-BHS
SAM REED, et al.,
Defendants.

DEPOSITION UPON ORAL EXAMINATION OF REDACTED

September 15, 2010
Longview, Washington

DIXIE CATTELL & ASSOCIATES
COURT REPORTERS & VIDEOCONFERENCING
(360) 352-2506 ** (800) 888-9714

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1 A Yes.

2 Q Do you know why he left?

3 A I don't.

4 Q Did you ask him to leave?

5 A I asked him multiple times.

6 Q Did you call the police?

7 A No, I didn't.

8 Q Did your wife?

9 A No, she did not.

10 Q And why is that?

11 A Well, I didn't feel like it.

12 Q Did you feel that you or your wife were physically
13 threatened by this young man?

14 A Mostly verbally abused because I didn't really feel being
15 threatened by this man.

16 Q Did anything else happen in the WinCo parking lot?

17 A No.

18 Q And you said there was another incident that occurred?

19 A Yes.

20 Q Can you tell me about that?

21 A It was on Lake Sacagewea.

22 Q Again, that's the park in town?

23 A Park in town during 4th of July event when there is lot of
24 people. It was male, about 30, 34 years of age, but this
25 guy just screamed profanity to my face and he walked away,

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1 so

2 Q How close to you did he come?

3 A He was screaming right into my face.

4 Q So --

5 A It was very uncomfortably close.

6 Q Within a foot of you?

7 A I would say it was about this far.

8 Q For the record, you were holding your hand in front of your
9 face?

10 A I would say about a foot of me.

11 Q About a foot of you?

12 A Yeah.

13 Q So he was about one foot away and he screamed profanity?

14 A Yes.

15 Q Did he make a statement about Referendum 71?

16 A There was no dialogue.

17 Q And were you with anyone else?

18 A I was there by myself.

19 Q Do you recall whether you were wearing any indication of
20 your religion?

21 A No.

22 Q You don't recall or you weren't wearing?

23 A I weren't wearing.

24 Q And when this man screamed profanity at you, do you recall
25 whether -- I guess we can't put it in terms of sentences.

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1 It doesn't sound like that type of communication. Do you
2 recall how long he was speaking to you?

3 A No. It wasn't long. It was in few sentences and he walked
4 away.

5 Q Did you respond to him?

6 A He didn't give me any chance really. He said what he wanted
7 to. He walked away.

8 Q But, again, just to make sure I understood, all of what he
9 said was profanity?

10 A It was profanity.

11 Q And did you feel the need to contact the police about that
12 incident?

13 A No.

14 Q Why is that?

15 A I'm pretty large size guy and I don't really feel that he
16 was of -- it was very public place, lot of people was there,
17 so it wasn't pleasant experience; however, I didn't feel
18 being threatened by him.

19 Q And would you say that you considered that to be verbal
20 harassment but not physical?

21 A It would be verbal.

22 Q So you did not feel physically threatened?

23 A I did not.

24 Q Did any other incidents of harassment or threats, in your
25 opinion, occur?

C E R T I F I C A T E

I, REBECCA S. LINDAUER, a duly authorized Notary Public in and for the State of Washington, residing at Lacey, do hereby certify:

That the foregoing deposition of REDACTED REDACTED was taken before me and completed on the 15th day of September, 2010, and thereafter transcribed by me by means of computer-aided transcription; that the deposition is a full, true, and complete transcript of the testimony of said witness;

That the witness, before examination, was by me duly sworn to testify the truth, the whole truth, and nothing but the truth, and that the witness reserved signature;

That I am not a relative, employee, attorney, or counsel of any party to this action or relative or employee of any such attorney or counsel, and I am not financially interested in the said action or the outcome thereof;

That I am herewith securely sealing the deposition of REDACTED REDACTED and promptly mailing the same to MS. ANNE E. EGELER.

IN WITNESS HEREOF, I have hereunto set my hand and affixed my official seal of this 17th day of September, 2010.

Rebecca S. Lindauer, CSR#2402
Notary Public in and for the State of
Washington, residing at Lacey.

EXHIBIT 4

1 UNITED STATES DISTRICT COURT
2 FOR THE
3 WESTERN DISTRICT OF WASHINGTON

4)
5 JOHN DOE #1, et al.,)
6)
7 Plaintiffs,)
8)
9 vs.) NO. 09-cv-05456-BHS
10)
11 SAM REED, et al.,)
12)
13 Defendants.)

14 DEPOSITION UPON ORAL EXAMINATION OF REDACTED
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24 September 1, 2010
25 Tacoma, Washington

26 DIXIE CATTELL & ASSOCIATES
27 COURT REPORTERS & VIDEOCONFERENCING
28 (360) 352-2506 ** (800) 888-9714

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1 Auburn. We went to Shelton. We went to Federal Way.

2 Q Auburn, Shelton, Federal Way?

3 A Yes. Where else? Tacoma.

4 Q Tacoma.

5 A So we went to a grocery store in Tacoma, so, you know, a lot
6 of different locations.

7 Q Do you remember any locations other than a Wal-Mart, a
8 Target, a Fred Meyer, and the grocery store? Do you
9 remember any of the other store names?

10 A No, uh-uh.

11 Q Were they all public locations?

12 A Yes, they were.

13 Q Were you looking for -- I assume, and correct me if I'm
14 wrong, you were looking for places where there would be a
15 lot of people?

16 A Yes.

17 Q And were people receptive to signing?

18 A Not as receptive as we would have liked.

19 Q Did you have any incidents occur when you were gathering
20 signatures, any incidents that you felt were -- would
21 constitute harassment or threats or reprisals?

22 A Yes.

23 Q Can you describe that for me?

24 A They're in the declaration, but at the Wal-Mart store in
25 Lacey an elderly lady approached me. And as she was

EGELER (REDACTED 9/1/10)

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1 entering the store, I spoke to her about Referendum 71, and
2 she was enthusiastic to sign it.

3 So she came over to sign the clipboard, the referendum,
4 and then two -- I'm assuming they were homosexual ladies.
5 They came out of the store. They both stood there glaring
6 at me. One of them -- one of them said, with a lot of
7 emotional content, "We have feelings too."

8 This shook the old lady that was going to sign the
9 referendum and she kind of hesitated. I addressed the young
10 lady, told her basically that this has nothing to do with
11 feelings, and then she and her partner left and then the old
12 lady, she signed the referendum.

13 Q You said that this shook the older lady?

14 A Yes, it did.

15 Q Did she tell you that or was that something that you thought
16 in observing her demeanor?

17 A No. I could see both ways. I could see it shook her, her
18 demeanor. She also said she did not feel comfortable with
19 them there.

20 Q Did she ultimately sign?

21 A She did.

22 Q Did you have any other incidents while you were gathering
23 signatures?

24 A Same Wal-Mart, the other door, a transgendered person came
25 out. I don't know how far in the transgendered process this

EGELER (REDACTED 9/1/10)

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1 person was. Looked like a female initially with a masculine
2 bone structure, but still looked female initially, and was
3 dressed like a woman, you know, displaying everything, and
4 came up and asked what we were doing.

5 I said, "Well, this is Referendum 71." Told her that
6 it's to preserve marriage between a man and a woman and to
7 protect our children.

8 And she said, "Well, why are you" -- he said, "Well,
9 why are you doing this? Why are you getting these
10 signatures?"

11 I said, "It's because of my Biblical beliefs."

12 "Well, what does the Bible have to say?" This is not
13 verbatim. This is the gist --

14 Q I understand.

15 A -- of the discussion. "What does the Bible have to say?"

16 I just briefly quoted what the Bible -- what God has to
17 say about it in the Bible and then the person got very, very
18 argumentative, at which point, I said, "There's no point in
19 us continuing this discussion. You know, if we can't talk
20 peaceably around the Bible, then we don't have anything to
21 talk about."

22 Then the person left. And as they were leaving, they
23 were threatening -- he threatened -- before that, he asked
24 me if I was a pastor because I was there on a Sunday after
25 church in my suit. And I said, "Yes, I am."

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1 "Where is your church?"

2 I told him where the church was in Lacey. As he was
3 leaving to get into his car, he says, "I'm going to bring a
4 bunch of my friends, homosexual, transgenders to your church
5 on this Sunday and we're going to pack your church."

6 And at that point I just said, "Well, God bless you.
7 You can come. You're welcome. If you want to come to
8 church, you come to church."

9 Q And you told him where your church was located?

10 A I don't recall. I told them the name. I might have told
11 them in a hotel, but I don't recall.

12 Q Did he come?

13 A No.

14 Q Excuse me. Did --

15 A No, it's a he. I don't know if it's complete.

16 Q Well, I'll use she, since it sounds like the individual was
17 choosing that gender. So just to be clear when I'm using
18 that pronoun who I'm referring to, did she come to the
19 church?

20 A No.

21 Q At any time, did any transgender individuals come to the
22 church during the Referendum 71 campaign?

23 A No.

24 Q And did anybody of any sort come and make a scene or protest
25 inside or outside the church?

EGELER (REDACTED 9/1/10)

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1 A No, nothing happened.

2 Q When she was speaking to you -- it sounds like it became
3 argumentative -- was anybody else there at the time?

4 A No.

5 Q And did any other incidents occur while you were gathering
6 signatures?

7 A There's one more I have in the declaration and that was
8 outside of the Wal-Mart in Auburn.

9 Q Okay.

10 A A minor incident, but we documented it nonetheless. My wife
11 and I were there together getting signatures, had a table
12 set up with two or three clipboards on the table. And this
13 young lady got her cell phone out and started -- took a
14 picture of me first and went over and took a picture of my
15 wife.

16 And my wife says, "What are you doing?" And the young
17 lady said that she was going to post our pictures on her
18 Facebook or whatever the social networking sites are for all
19 her homosexual and gay friends to know what we look like.
20 So we thought that was inappropriate.

21 My wife says, "I don't want you to do that. Don't post
22 my picture." She'll tell you that herself, but she told
23 her, please not to post the picture. She probably did. I'm
24 sure we're -- anyhow.

25 Q Are you sure?

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1 A No, I'm not sure. But most -- highly probable that we are
2 posted, but that's -- I don't know. I don't visit those
3 places.

4 Q So to be accurate, do you know if those photos were posted?

5 A I don't know if hers were posted.

6 Q Do you know if your photo was posted?

7 A No, I don't.

8 Q And was anyone else there at that time?

9 A My wife and myself.

10 Q Any other incidents that occurred during the gathering of
11 signatures?

12 A No.

13 Q With each of those three incidents -- we have the two
14 lesbian women outside a store that spoke while an elderly
15 woman was going to sign.

16 A Right.

17 Q And then we had a transgendered individual outside the
18 Wal-Mart Lacey and then the third was taking pictures
19 outside the Wal-Mart in Auburn?

20 A Um-hmm.

21 Q With any of those three incidents, did you feel the need to
22 call the police?

23 A No. There was a fourth. It just came back to me and that
24 was when we were out there gathering signatures in Auburn,
25 once again, I believe. I believe it was Auburn. I'm not

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1 sure.

2 Somebody came from outside the store and basically went
3 back in and told the manager. And the manager tried to tell
4 us to leave and so we actually -- not the manager, but
5 the -- a worker did. So then we asked for the manager. We
6 asked for this person to go get their manager.

7 The manager came out, and we explained to the manager
8 what just happened and that we're not harassing anybody.
9 We're being very polite, which we were, and the manager said
10 that we could stay.

11 Q And again, there was no need to call the police with that
12 incident, since the manager took care of it?

13 A That's correct.

14 Q And why, with the first three incidents, did you not feel a
15 need to call the police?

16 A I didn't -- well, the only -- I didn't perceive the threats
17 as being that -- I didn't perceive the likelihood of follow
18 through being that high with the one person that said
19 they're going to come to our church on Sunday. I didn't
20 really feel that they would come, and if they did, we just
21 deal with it.

22 Q And the first incident with the women who said that it was
23 hurtful to them, that Referendum 71 -- I'm not trying to
24 quote you. I'm sure I'm off, but two women approached while
25 you were talking to an elderly woman and they said something

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1 wife called REDACTED, talked to him about these names. That's
2 just one of his relatives, a stepdaughter or something.
3 It's a close relative of his and they do have a valid
4 registration.

5 So when we were at the -- REDACTED came down to Olympia to
6 the Secretary of State's office and he, myself, my wife, and
7 Shane Hamlin sat in a room upstairs at the Secretary of
8 State's office and went over some things. And REDACTED brought
9 up the fact that his wife -- his family member was rejected.

10 So Shane of his own volition -- I commend him for
11 this -- he researched it and he found out that indeed these
12 names should have been accepted. He also found out that the
13 databases they were using, they take a snapshot of the VRDB,
14 voter registration database, they take a snapshot of that in
15 time, but they took that snapshot way too early. They took
16 it sometime in July, and the signature collection process
17 went up until two or three weeks later than that. So the
18 big push we had toward the end to get signatures, a lot of
19 these names were being discarded because they weren't in the
20 database, so this resulted in the third process.

21 They implemented a third process at the Secretary of
22 State's office to recheck all of the rejections with State
23 employees using the VRDB specifically and not a snapshot.

24 (Mr. Hamilton now present.)

25 Q So with the corrections that the Secretary of State's office

EGELER (REDACTED 9/1/10)

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1 made, would you feel in the future that that office no
2 longer has errors in the system and you would have full
3 confidence in their checking of initiative signatures in the
4 future?

5 A No, no.

6 Q You can explain. That's okay.

7 A I'm going to be talking with a legislator or somebody, my
8 wife and I will, in the future. I saw some definite things
9 they could do to remove bias from the process and -- but
10 right now, what happened to us in that referendum and the
11 fight that we fought during that month, that wouldn't happen
12 typically because the count wasn't so -- the race wasn't so
13 tight. When it's tight like that, you can manage the
14 process to really make it go whichever way you want. But
15 there are things that I have in mind that I will share with
16 the legislator to try to get laws put into place to put some
17 process controls on the entire process so it doesn't happen
18 again.

19 Q I understand.

20 When the signatures were initially turned in, do you
21 remember if you were there when they were presented to the
22 Secretary of State's office?

23 A I was there at the capitol that -- I forget what day it was,
24 but there was -- I was there with everybody at the capitol
25 turning them in on the capitol steps.

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1 A Yeah. One in particular, probably the most egregious.
2 Right after we started at the Secretary of State's office,
3 right after that, we got a few phone calls on our church
4 phone, which is in our home, and my wife saw the name on
5 there, David something or other. It's in the declaration.

6 Q You said a few phone calls. Were they all from David?

7 A Well, there's other phone calls too, but there's ones that
8 we didn't recognize. There's some from David. Didn't know
9 who that person was.

10 So on a Saturday my wife gives this person a call. And
11 she's talking to him upstairs but then the conversation
12 starts to get heated, so she puts him on speakerphone and
13 walks downstairs to where I can hear what's going on too.
14 And he's just -- you've got, I believe -- do you have the
15 audios of those conversations?

16 Q No, I do not.

17 A You don't?

18 Q Do you have the audios?

19 A I do. I can give them to you. They're on my computer. I
20 have given them to the -- Sarah's got those.

21 MR. LaRUE: Sarah has those, that's news to me.
22 I'll check.

23 A I sent them to Sarah and e-mailed her the audio. They're
24 WMV files.

25 Q (By Ms. Egeler) I gave you -- on my card, I believe my

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1 e-mail address is on there. When you get back home, could
2 you send those to my e-mail address?

3 A Sure. I can do it right now. I have it right here.

4 Q We'll just keeping talking for the moment.

5 A Okay. We'll do that. But anyhow, listen to the text of
6 those. And the interactions we had with this David who --
7 once again, he's a -- he's changing his sex. He calls
8 himself Krystal now, and he got very animated and sounded
9 disturbed, sounded emotionally disturbed, not healthy, and
10 his comments concerned me quite a bit.

11 Q What comments did he make that concerned you?

12 A Made very threatening comments to our wife and my church.

13 Q This was on speakerphone, so you could hear it?

14 A I heard part of it on that first conversation, but then
15 there were follow-up calls because he just continued. As
16 you listen to the phone conversations on the recording that
17 I'm going to send you, they increasingly got more animosity.
18 So the call that I heard was short and it was heated, caused
19 concern. But then the subsequent calls got even more heated
20 where we just left them on the answering machine. We didn't
21 pick up and answer. There was no interaction.

22 Q So turning to the first call first, do you remember roughly
23 when that was in terms of the date?

24 A No. It was right after we started at the Secretary of
25 State's office though.

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1 morning to ten o'clock at night. We're not getting home
2 until 10:30 or 11:00. We're leaving the house at 7:00. We
3 asked for emphasis patrols at our home, just to drive by.
4 Told them what had gone on, drive by periodically to make
5 sure things were all right.

6 Q Do you remember who you spoke to, the name of the officer
7 with the DuPont Police?

8 A No, no. They'll have a report. I don't remember the name.

9 Q Do you have any records with you or at home that state the
10 police report number?

11 A No, uh-uh.

12 Q Or the officer's name?

13 A No, I don't think so. You can ask my wife that. I don't
14 have any of that. But then we also -- there was a
15 jurisdiction problem with the police in DuPont because our
16 church is in Olympia, so . . .

17 Q In Olympia or Lacey?

18 A It's in Lacey, Lacey-Olympia. So the DuPont officer said he
19 really can't do anything about contacting this individual,
20 so he said we needed to call Lacey. Our church, actually
21 it's in Lacey. You need to call the Lacey Police. So then
22 we called the Lacey Police and told them what had happened
23 and let the officer actually listen to all the messages that
24 we got. The officer gave David or Krystal a call and asked
25 him not to further contact us, not to go to our church, that

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1 the pastor said you're not welcome at their church.

2 Q And what happened then?

3 A Well, the calls stopped.

4 Q And did the individual show up at your church?

5 A No. Just for the record, though, I felt that that call was
6 serious enough that I also told our hotel manager that we
7 might have problems at church the next Sunday.

8 Q By "hotel manager," the REDACTED ?

9 A The REDACTED where we're meeting.

10 Q Right.

11 A Told him what's going on so he will have a heads-up.

12 Q Who is he?

13 A REDACTED.

14 Q Can you spell Ha for me?

15 A REDACTED

16 Q Okay.

17 A And he's very even-handed, a very professional man. He just
18 took it in stride, just noted it.

19 We also, that day, that Sunday, called the Lacey Police
20 and asked them to have a patrol car close by in case
21 anything happened, told them that we could have something
22 happen at the church.

23 Q Did they do that?

24 A They said -- I assumed they did, but they're just right down
25 the street from us anyhow. But they weren't visibly

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1 to the Secretary of State's Web site, the Corporations
2 Division, find, you know, the officers of the corporation.
3 But anyhow, they found out where we lived and we got a
4 letter in the mail from a bogus address. The return address
5 was bogus in Olympia. My wife is bringing that in. You can
6 look at that when you talk with her.

7 Q Okay.

8 A And this letter just said -- it was addressed to our
9 address. It had this bogus business address there. Had a
10 Tacoma-Olympia postmark on it. We opened it up and the
11 sheet of paper on the inside said, "Christian bigot," and
12 that's all it said.

13 Q Hmm.

14 A You'll see it. One of the words is really big. The other
15 is small. It's probably Christian small and bigot big, but
16 you'll see the paper when my wife comes in.

17 So that led us to believe that they not only know who
18 we are, they know our face, but they also know where we
19 live, so that's it.

20 Q Did it say anything about Referendum 71 in the letter or on
21 the envelope?

22 A No. But I've been pastoring for 15 years, more maybe, never
23 have had anything like that come in our mailbox.

24 Q And you don't know who it was -- who sent this?

25 A Don't know who sent it.

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1 Q But you said you know that it came from a bogus address?

2 A Yeah.

3 Q How do you know that was a bogus address?

4 A When you take a look at it, it's evident. I don't remember
5 now whether it's a wrong zip code or even a wrong street
6 address. It doesn't exist.

7 Q So you never learned who sent that?

8 A No, uh-uh.

9 Q Or why they sent it?

10 A Right. Actually, the address, the return address, is in
11 Olympia, but the postmark is Tacoma-Olympia, so don't know
12 what it is. Don't know where it came from.

13 Q Do you know approximately when that was?

14 A No. It's postmarked though. Get that off the postmark.

15 Q So did all of the incidents that you feel are harassment or
16 threats or reprisals occur before the election in November
17 of 2009?

18 A Yes.

19 Q Did anything happen after the election?

20 A Not to me, but to my wife. You can ask her about that.

21 Q We'll do that. Did we cover all of the incidents that you
22 recall?

23 A Yes.

24 Q Just to get a little bit more information about you as an
25 individual, how long have you had the church at the REDACTED

EGELER (REDACTED, 9/1/10)

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1 REDACTED ?

2 A We've been there about two years at that location.

3 Q Okay.

4 A About two years.

5 Q Where were you before then?

6 A We were in another hotel for about six months to a year.

7 That's the REDACTED .

8 Q And prior to that?

9 A We were at the REDACTED for at least two
10 years, maybe two, two and a half years.

11 Q And was that in Lacey in well?

12 A That's in REDACTED .

13 Q And clearly you're a pastor, but you mentioned also that you
14 have background as an engineer. Is that correct?

15 A That's correct.

16 Q What is your educational background?

17 A BSEE from University of Washington.

18 Q And in addition to the leadership role you took with respect
19 to traditional marriage and Referendum 71, have you taken a
20 public stance on any other political issues?

21 A No. Well, let me see.

22 Q For example, abortion perhaps?

23 A No, no. Years ago -- along the same issue, there was a -- I
24 want to be accurate. It's not a no, but I typically -- let
25 me say this. I typically don't get involved in these types :

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1 of things. The involvement that my wife and I got involved
2 with on R71 was the deepest we've ever gone into something
3 like this, and I had been prepared for that really.

4 But a couple years before that, there was a -- what was
5 it called? A rights bill, 2662 or something. I went and
6 spoke at that bill also, but it's also related to homosexual
7 rights, sort of like a nondiscrimination kind of bill.

8 Q Any other bills that you've spoken out on?

9 A No.

10 Q You said a few moments ago when you got deeply involved in
11 this, you said that you were prepared for it. What did you
12 mean by that?

13 A I'm talking about a Christian principle right now. The Lord
14 had prepared me personally for this issue. Even before this
15 became an issue in our state, I saw what was happening in
16 our society. I saw what was happening to a number of
17 churches. A lot of the -- a number of mainline
18 denominational churches have -- are accepting homosexual
19 clergy now.

20 I saw this in light of God's word. The Lord stirred
21 me, and I started to really study his word and to get the
22 Bible clearly defined in my heart to where I can articulate
23 clearly what I believe and to others also. So when this
24 came to be an issue in our state, we just got involved. But
25 the way we got thrust into the forefront of this was just

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1 the way it happened. It was not by design.

2 Q Jumping back for a moment, with respect to your contact with
3 the DuPont Police and the Lacey Police, do you recall the
4 names of any of the officers you spoke to?

5 A No.

6 Q And no police reports for either?

7 A I don't know. They might have filled something out. I
8 don't know though. We never got a copy of something. I
9 don't know that we did or not. We might have signed
10 something, but don't recall.

11 Q And also turning back again to the hotel manager, Mr. ^{REDACTED} --

12 A Um-hmm.

13 Q -- did he tell you that you would not be able to meet in the
14 church or did meetings continue just as before? Was there
15 any interruptions?

16 A No interruptions.

17 Q Were there ever any picketing of any sort? You said that no
18 one came and attended the church that made threats. Did
19 anyone come and picket?

20 A No.

21 Q Any other contact with the church by individuals that were
22 threatening?

23 A One person. My wife will bring a letter in. There's a
24 Charlene Strong. She was the one that was on all the
25 commercials during this time. You probably know her. One

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1 of you lawyers here probably do. Charlene Strong, she was
2 the homosexual woman. Her partner had -- I think she died
3 in hospital care, so she is a big supporter of domestic
4 rights for same sex partners. She did a number of
5 television commercials and she contacted our church asking
6 to come and to speak to our congregation.

7 Q And did she ask politely or was she hostile?

8 A No, no. It was -- I don't know if polite is the right word,
9 but it wasn't hostile.

10 Q And how did you respond?

11 A I didn't. We weren't going to do that.

12 Q Or more accurately, was it your wife who responded?

13 A No. I can't recall. We got it in the church e-mail, so
14 whether I responded or my wife -- I don't believe we did
15 respond. I talked to my wife about it and said that we're
16 definitely not going to have her come to our church and --
17 but I would be glad to go and talk with her.

18 Q Anything else that we haven't discussed that happened?

19 A That's all I can recollect.

20 Q Just give me a second to glance through my list of questions
21 and we'll see if I missed anything.

22 We went through and marked as exhibits four newspaper
23 articles and one King 5 interview. Do you know if there
24 were other quotations of you in newspapers during the time
25 that Referendum 71 was an issue on the ballot?

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1 A I know there's others. You have to Google Pastor REDACTED
2 REDACTED and look. They quoted me on something in The
3 REDACTED for the senate's, you know -- for that hearing I
4 was in.

5 Q And did you appear on any other television shows or TVW,
6 et cetera, live audio-visual presentations?

7 A We did TCTV, Thurston County Television. We did a
8 30-minute -- I think it's 30-minute bill with the gal for
9 that.

10 Q By "we," who do you mean?

11 A My wife and I were interviewed by I forget the gal's name.
12 I think it's Lori, Lori Lee and -- Lori something. We did a
13 half-hour spot talking about the referendum and the issue.

14 Q That was on television?

15 A That was on cable television.

16 Q Do you recall what month that might have been?

17 A No, I don't.

18 Q Was that before or after signatures were turned in?

19 A I believe -- I'm not sure. I believe that was during the
20 process. After the Secretary of State's, the signatures
21 were already turned in.

22 Q Okay.

23 A We're in the Secretary of State's office. It couldn't have
24 been during that time because we were too wrapped up. But
25 probably -- I don't know. I could bracket it for you, but

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1 it -- to answer your question directly, yes, we were on that
2 show.

3 Q And can you bracket the time period for me then?

4 A Most likely after the Secretary of State's office and before
5 the election.

6 Q I understand.

7 Any other television appearances? We've covered
8 newsprint media. You think there are more online. I think
9 earlier you stated that you were on the radio after the
10 testimony at the senate hearing, correct?

11 A Well, they just took a clip out of the senate hearing and
12 put it on the radio, National Public Radio.

13 Q Okay.

14 A We also did radio down in the south Kelso area. There's a
15 radio station down there, a Christian radio station, down
16 there that we did a spot on it also.

17 Q So you were live on the air then with that radio station?

18 A I'm not sure if it was live or we then taped it, replayed
19 it. I don't know.

20 Q But someone listening to that radio station would have heard
21 your voice, you speaking?

22 A Yes, absolutely.

23 Q For how long were you speaking? Do you recall?

24 A Half hour to an hour.

25 MS. EGELER: That's all the questions. Thank you

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1 so much for coming in.

2 MR. DIXSON: I have a couple of follow-up
3 questions. Keith may as well.

4 EXAMINATION

5 BY MR. DIXSON:

6 Q Turning back to the threats made by this transgendered
7 person at the Wal-Mart, is it your testimony that he or she
8 said, "I'm going to bring all of my homosexual friends with
9 me to church"? What do you remember that person saying to
10 you in particular, if you recall?

11 A It's in the declaration, which is at the time it was very
12 fresh, but even my recollection right now is, "I'm going to
13 bring all my homosexual, transgender, gay" -- they say gay. (
14 I don't like to say that word. "I'm going to bring all of
15 my gay friends. I'm going to bring all of my transgendered
16 friends to your church service, and we're going to have a
17 good time," something like that.

18 Q And the person who took the cell phone video, again, did
19 they -- what do you remember them saying to you in
20 particular, if you recall?

21 MS. EGELER: I'm going to object to the question.
22 I believe the testimony was it cell phone pictures, not
23 video.

24 Q (By Mr. Dixson) Excuse me. The cell phone pictures, do you
25 remember in particular what that person said after she took,

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1 the photo?

2 A I can't remember exactly. My wife can tell you. She was
3 talking to my wife directly at that time. I was there, but
4 she said she was going to post them on Facebook or Myspace.
5 Whatever the social media was, she's going to post the
6 pictures for all of her gay friends to look at.

7 Q The recordings, turning to the recordings that you made of
8 these calls, how were they recorded?

9 A On our answering machine.

10 Q And then from the answering machine to the computer?

11 A No. I have a digital recorder that has a USB interface on
12 it.

13 Q Okay.

14 A So I just copied them onto the digital recorder and took
15 them from that into the computer.

16 Q And was that first telephone call that took place first with
17 your wife and then over the speakerphone, is that call
18 recorded or no?

19 A Yes. They're all there.

20 Q And how was that phone call recorded then?

21 A Answering machine -- no, it wasn't. That wasn't. That's
22 not recorded. You're right. That one is not recorded.

23 Q So the only recorded calls are those that were played on the
24 answering machine. Is that correct?

25 A That's correct, yes.

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1 Q You testified that you know that the Lacey Police Department
2 called this David or Krystal. Is that correct?

3 A Actually, yes. The Lacey Police did.

4 Q Were you there -- how do you know that the Lacey Police
5 Department contacted David or Krystal?

6 A I believe they gave us a call to let us know that they did.
7 We were not going to let that slip or slide. The officer
8 gave us a call back to confirm that he had made contact.

9 Q At that point, the officer informed you as to the substance
10 of his conversation with that person?

11 A Yeah. It's very short. You know, police officers are very
12 short and direct.

13 Q The threats to the church, were they directed toward a
14 particular Sunday service or were there repeated threats to
15 different church services?

16 A It was not defined. The way I took that was that it was for
17 the immediate Sunday, and if they didn't do it then, they
18 never would. That's how I took it. They didn't really
19 define when they were going to come.

20 Q And so those repeated phone messages, what's the timespan
21 from the initial call until the police report?

22 A Ask my wife that question. I don't recall, but she's got a
23 very good memory.

24 Q Is it a matter of days or weeks or --

25 A It's less than weeks and greater than days. It's -- I don't

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1 know. A short period of time. In that short period of
2 time, he got increasingly agitated. I can give you a
3 probably, if that was -- but I don't want to do that.

4 Q We can listen to the recordings to get the actual dates.

5 A Okay.

6 MR. DIXSON: Those were the follow-up questions
7 that I had.

8 EXAMINATION

9 BY MR. HAMILTON:

10 Q Good afternoon, Mr. REDACTED. My name is Kevin Hamilton.
11 I represent Washington Families Standing Together, the
12 coalition of civil rights and church groups that opposed
13 Referendum 71 during the election. We were a party of the
14 action. I just have a few follow-up questions for you.

15 You mentioned a few moments ago that you had received
16 some phone calls on a church phone, I think you described
17 it, but it's in your home.

18 A That's correct.

19 Q You maintain a separate phone line or is this your home
20 phone line?

21 A It's the same line, but it's a different number. Our church
22 is in Olympia, so we have a 360 number that goes over to our
23 home phone.

24 Q So two different telephone numbers that ring on the same
25 phone?

C E R T I F I C A T E

I, REBECCA S. LINDAUER, a duly authorized Notary Public in and for the State of Washington, residing at Lacey, do hereby certify:

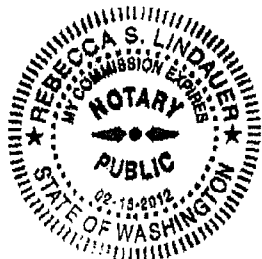
That the foregoing deposition of REDACTED, was taken before me and completed on the 1st day of September, 2010, and thereafter transcribed by me by means of computer-aided transcription; that the deposition is a full, true, and complete transcript of the testimony of said witness;

That the witness, before examination, was by me duly sworn to testify the truth, the whole truth, and nothing but the truth, and that the witness reserved signature;

That I am not a relative, employee, attorney, or counsel of any party to this action or relative or employee of any such attorney or counsel, and I am not financially interested in the said action or the outcome thereof;

That I am herewith securely sealing the deposition of REDACTED and promptly mailing the same to MS. ANNE F. EGELER.

IN WITNESS HEREOF, I have hereunto set my hand and affixed my official seal of this 6th day of September, 2010.



Rebecca S. Lindauer, CSR#2402
Notary Public in and for the State of
Washington, residing at Lacey.